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PATENT
Customer Number 22,852
Attorney Docket No. 8676.0005.01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
James Michael O'DWYER)
) Group Art Unit: 3641
Application Serial No.: 10/671,582)
) Examiner: Unknown
Filed: September 29, 2003)
)
For: SET DEFENCE MEANS)

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION REGARDING NOTICE OF OMITTED ITEM(S)
IN A NONPROVISIONAL APPLICATION

In response to the Notice of Omitted Item(s) in a Nonprovisional Application mailed on March 19, 2004, Applicant hereby petitions the Commissioner of Patents and Trademarks under 37 C.F.R. § 1.182 to take notice that Figures 6, 10, and 11 were not omitted from Application No. 10/671,582 at the time of filing on September 29, 2003.

Applicant attaches with this Petition a copy of the initial-filing postcard indicating that a complete copy of the originally-filed drawings (21 pages) was filed and so acknowledged by the U.S. Patent and Trademark Office Mail Room with a September 29, 2003, date-stamp.

Applicant also submits a complete copy of the originally filed drawings (21 pages), the required petition fee of \$130.00 under 37 C.F.R. § 1.17(h), and a copy of the Notice of Omitted Item(s) in a Nonprovisional Application.

04/14/2004 WASFAW1 00000106 10671582

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Upon review of the file, it appears that the U.S. Patent and Trademark Office may only be considering the amended sheets of PCT/AU00/01351, which include Figs. 1-5, 7- 9, and 12 (9 pages) and not the originally-filed drawings to PCT/AU00/01351, which include Figs. 1-12 (12 pages). Applicant respectfully submits that **both** the amended sheets to the drawings (9 pages) and the originally-filed drawings (12 pages) to PCT/AU00/01351 were filed on September 29, 2003, as indicated on the attached postcard.

In accordance with 37 C.F.R. § 1.182, Applicant encloses the check for \$130.00 to cover the fee for this Petition as set forth in 37 C.F.R. § 1.17(h), with the understanding it will be refunded once it is determined that Figures 6, 10, and 11 were received by the U.S. Patent and Trademark Office.

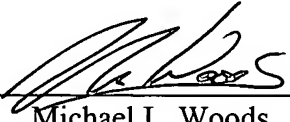
Applicant respectfully submits that, in view of the foregoing, the requirements of 37 C.F.R. § 1.182 have been met. Applicant requests that this Petition be granted and that the application in its entirety, including Figures 6, 10, and 11, be granted the filing date of September 29, 2003.

If any additional fee is required in connection with the filing of this Petition, please charge that fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 12, 2004

By: 
Michael L. Woods
Reg. No. 50,811



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/671,582	09/29/2003	James Michael O'Dwyer	8676.0005.01

22852
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
1300 I STREET, NW
WASHINGTON, DC 20005

CONFIRMATION NO. 9975

FORMALITIES LETTER

OC000000012148417

Date Mailed: 03/19/2004

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) **6, 10, 11** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

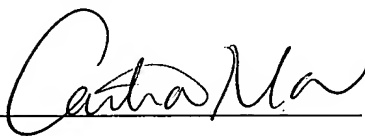
In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any



omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENT
Customer Number 22,852
Attorney Docket No. 8676.0005.01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
James Michael O'DWYER)
) Group Art Unit: 3641
Application Serial No.: 10/671,582)
) Examiner: Unknown
Filed: September 29, 2003)
)
For: SET DEFENCE MEANS)

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL LETTER

Enclosed please find the following:


1. Petition Regarding Notice of Omitted Item(s) in a Nonprovisional Application (2 pages)
2. Copy of Notice of Omitted Item(s) in a Nonprovisional Application (2 pages)
3. Copy of Postcard for Application No. 10/671,582 stamped on September 29, 2003
4. Copy of Amended Drawing Sheets to PCT/AU00/01351 (9 pages, Figs. 1-5, 7-9, and 12)
5. Copy of Originally-Filed Drawings to PCT/AU00/01351 (12 pages, Figs. 1-12)
6. Check in the amount of \$130.00 to cover the petition fee under 37 C.F.R. § 1.17(h)

Please grant any extensions of time required to enter the Petition and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 12, 2004

By: 
Michael L. Woods
Reg. No. 50,811



SLP/MZW

39

PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In re Continuation Application of U.S. Patent Application Serial No. 10/129,004, filed September 12, 2002

Application Serial No.: Not yet assigned

Group Art Unit: Not yet assigned

Filed: September 29, 2003

Examiner: Not yet assigned

For: SET DEFENCE MEANS



1. Transmittal Letter for Continuation Application Under Rule 53(b) (4 pages) including duplicate copy (4 pages)
2. Copy of parent application Declaration and Power of Attorney (2 pages)
3. Copy of cover page of WIPO Publication No. WO01/33253 A2 (2 pages)
4. Copy of international application as filed comprising 8 sheets, including 5 claims, and 12 sheets of drawings (20 pages)
5. Copy of amended sheets to the International Preliminary Examination Report comprising 11 sheets, including 8 claims, and 9 sheets of drawings (20 pages)
6. Preliminary Amendment (4 pages)
7. Check in the amount of \$750.00 (application filing fee)

Dated: September 29, 2003

(Due Date: September 29, 2003)

Attorney Docket No.: 08676.0005.01000

(September 28, 2003, falling on Sunday)

MZW/sah

(with three-month extension)

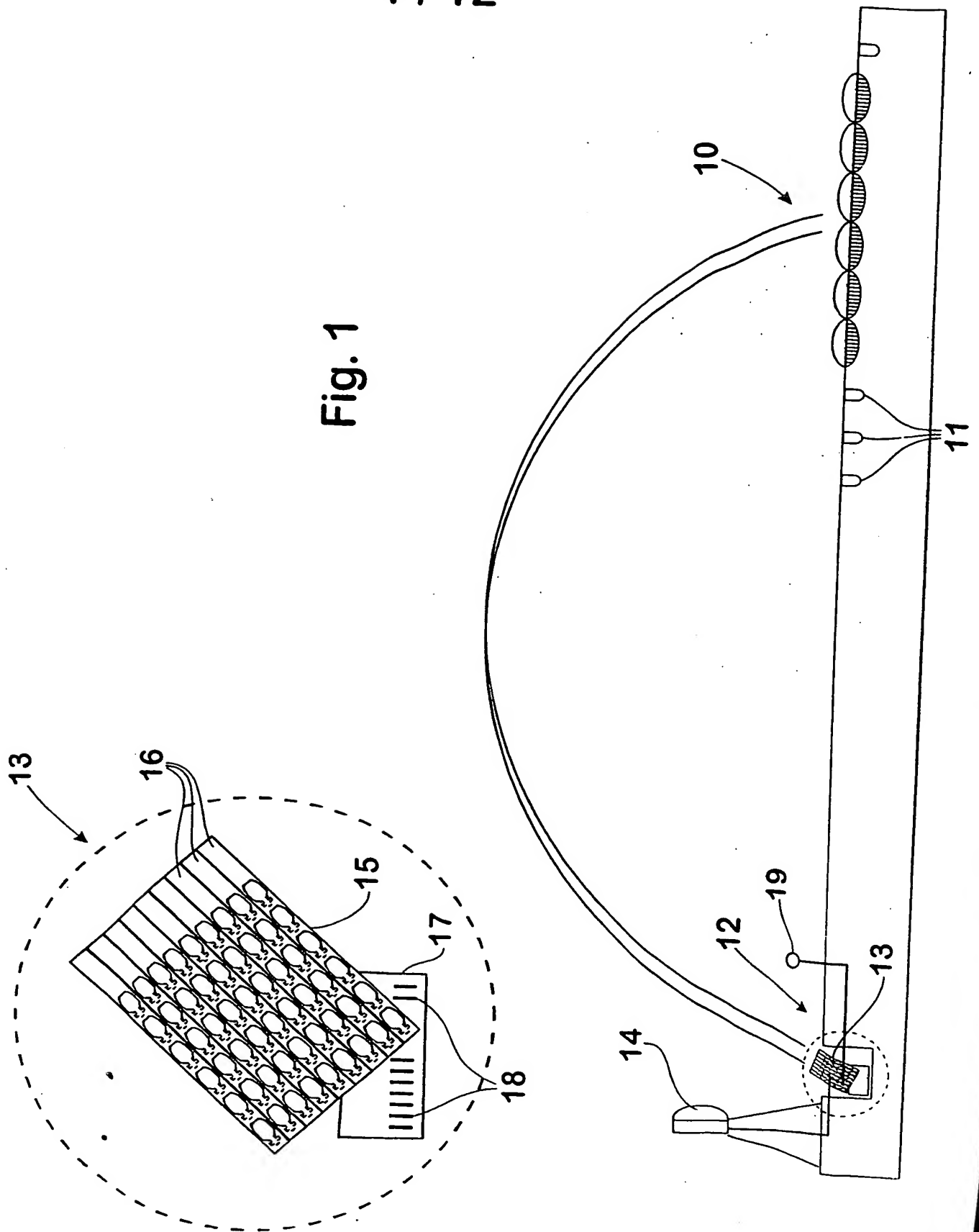
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1 / 12

Fig. 1



2 / 12

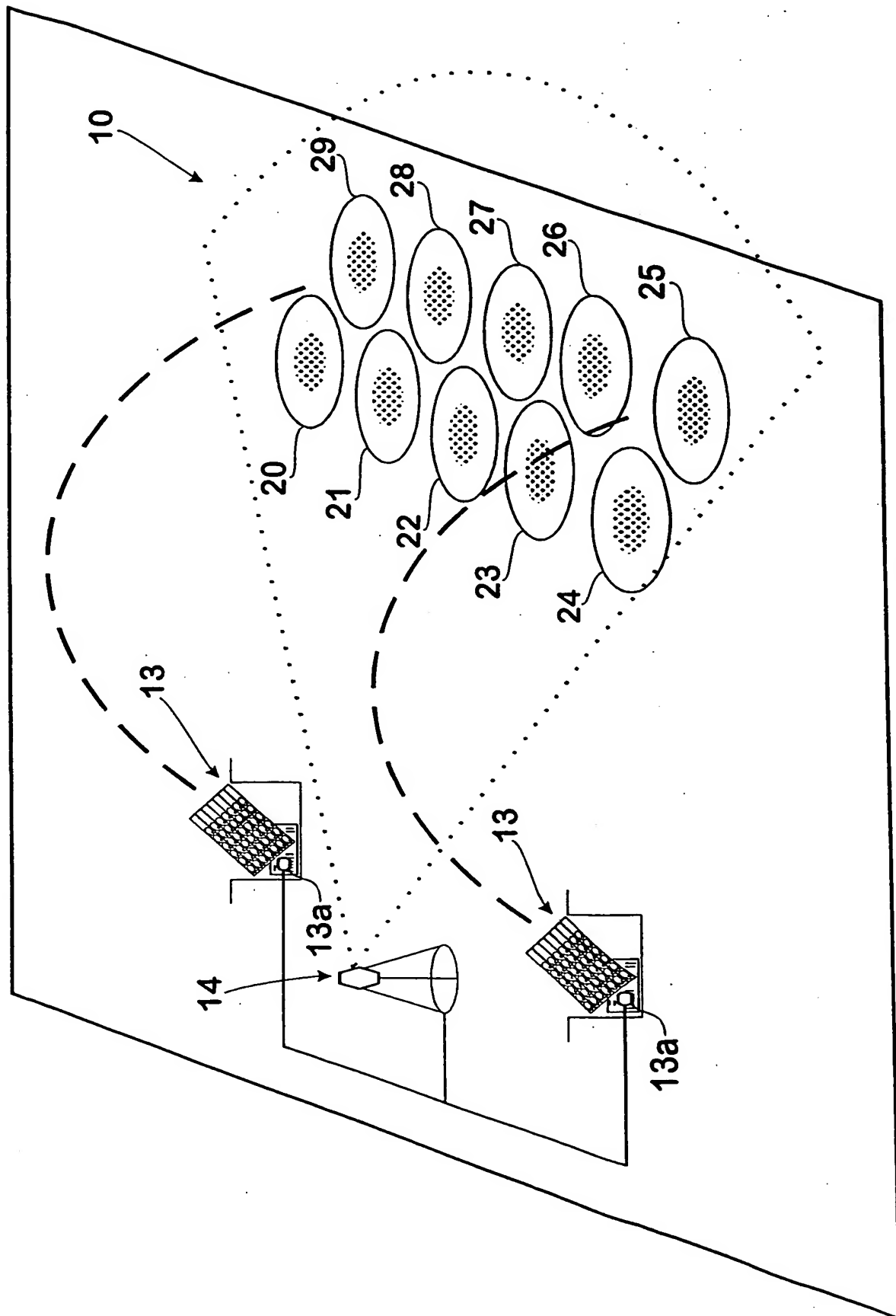


Fig. 2

3 / 12

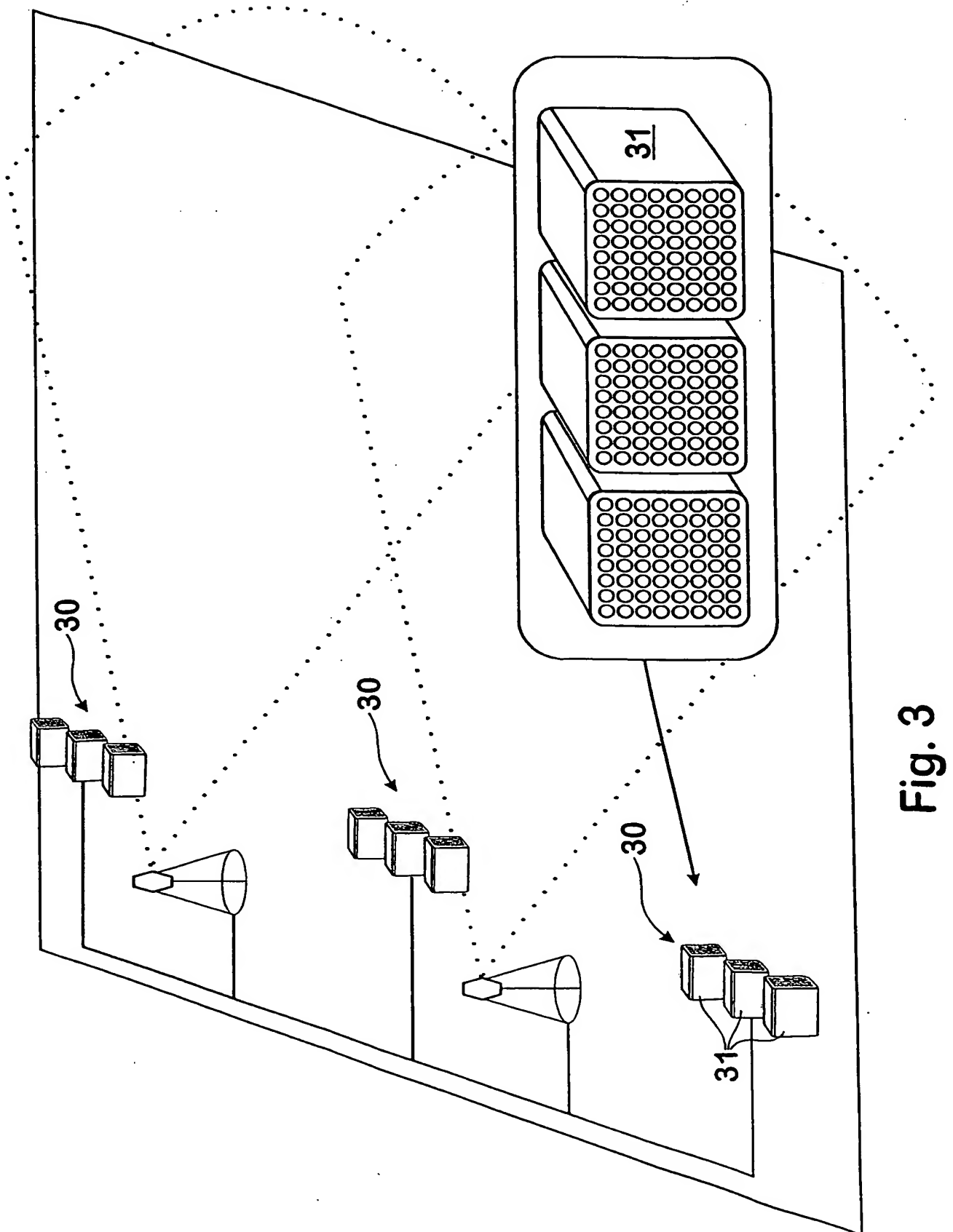


Fig. 3

4 / 12

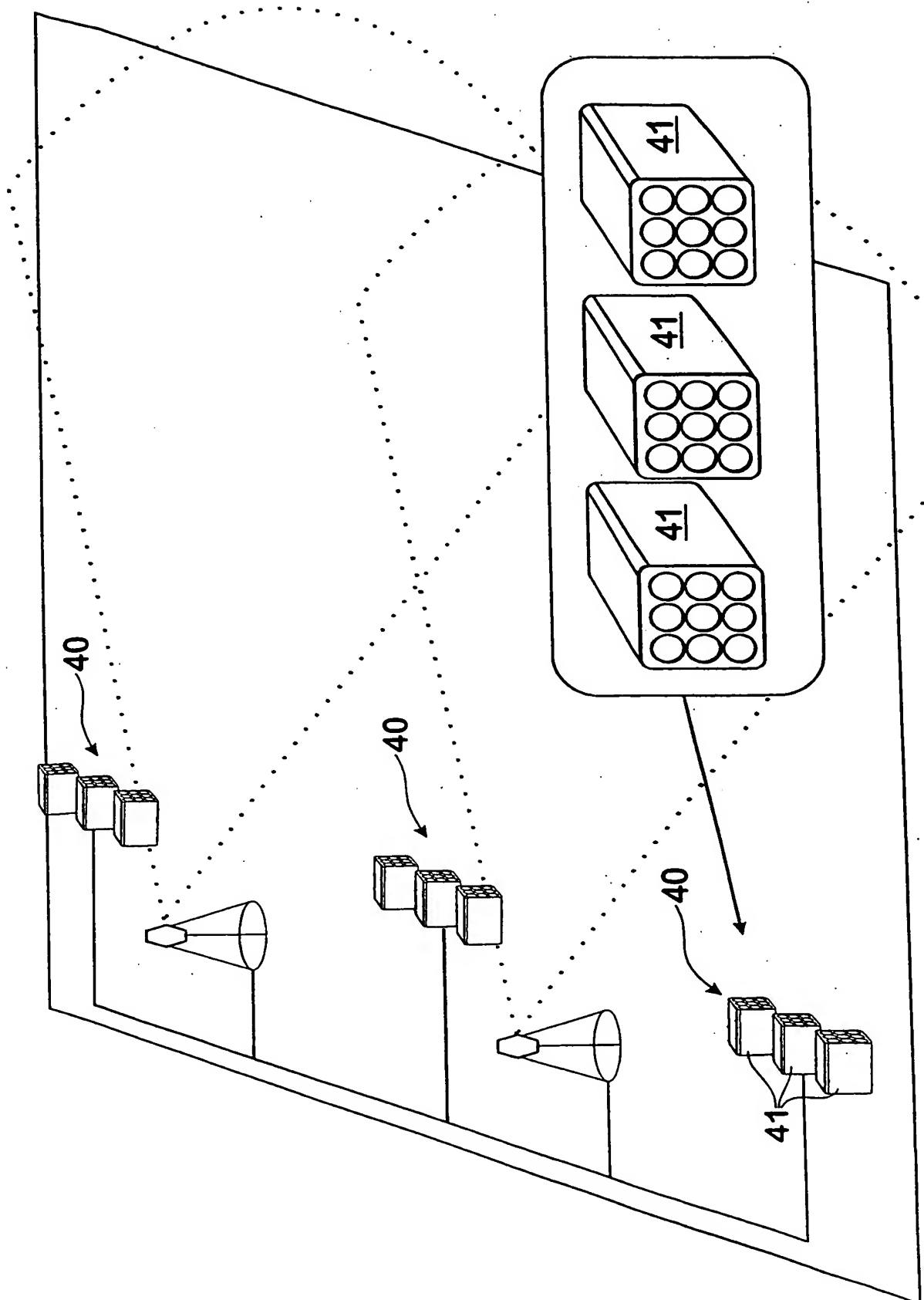


Fig. 4

5 / 12

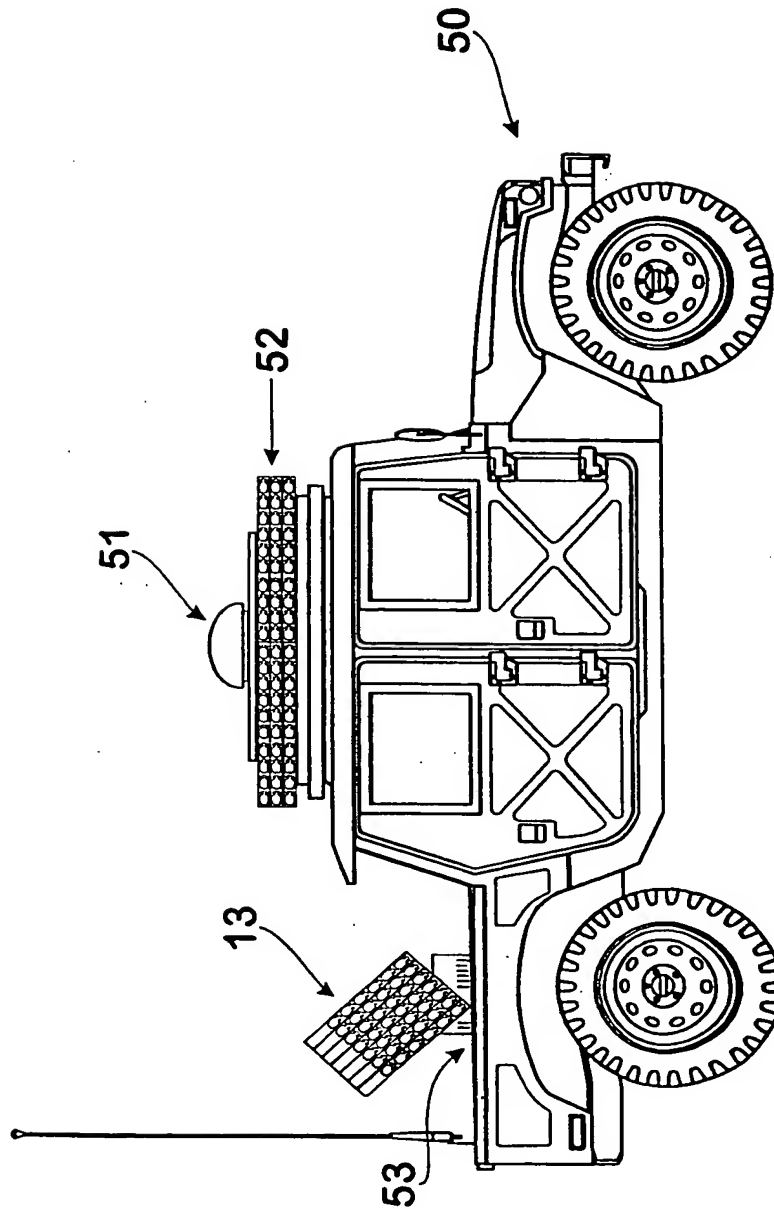


Fig. 5

7 / 12

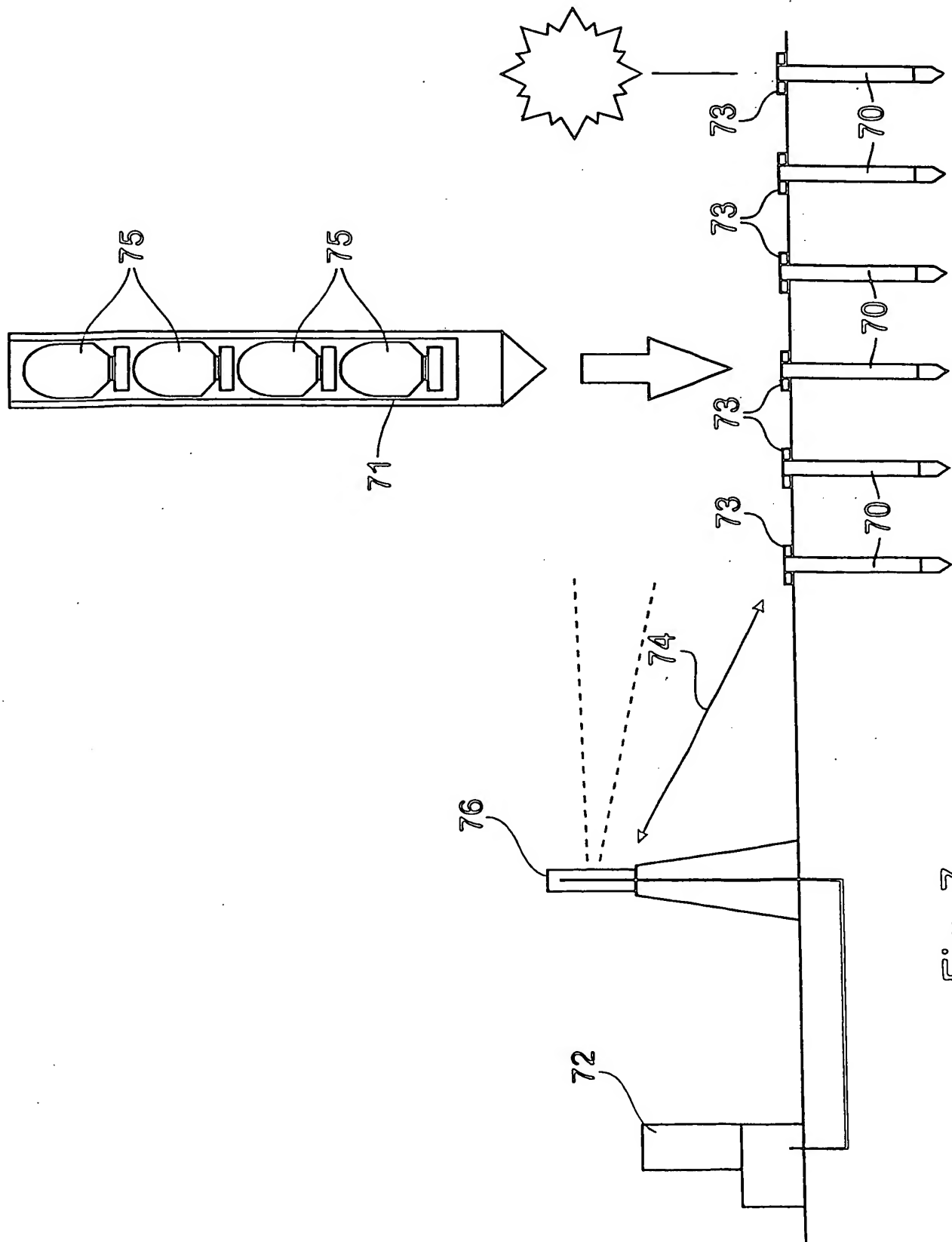
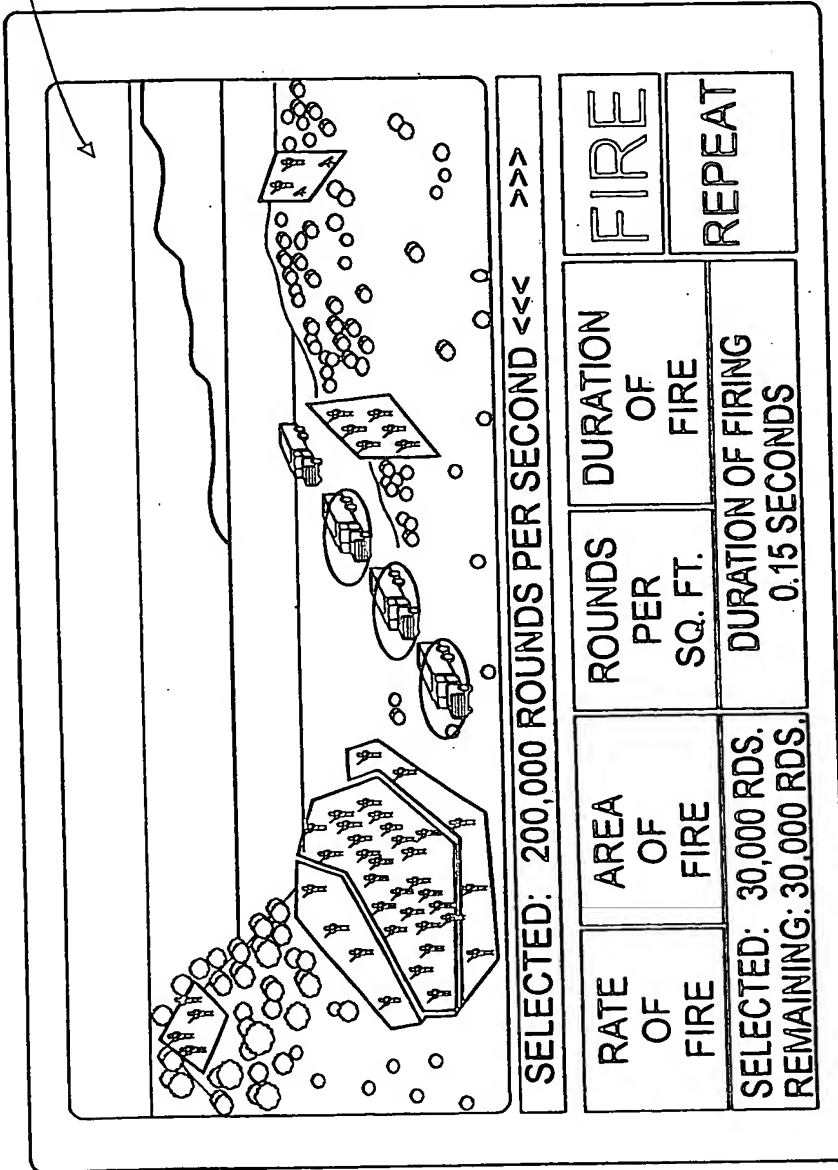


Fig. 7

8 / 12

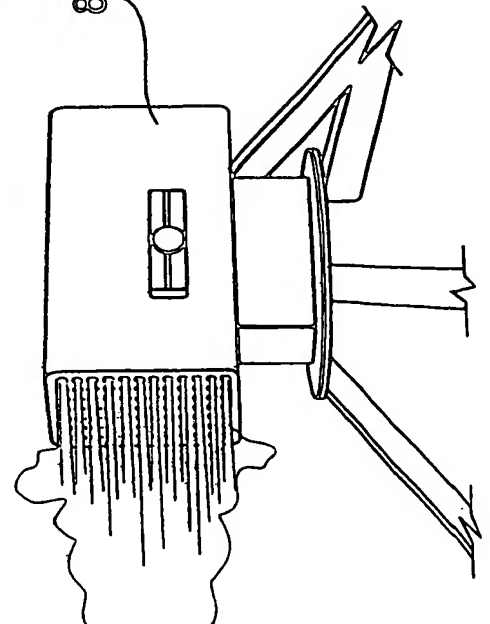
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Fig. 8

82



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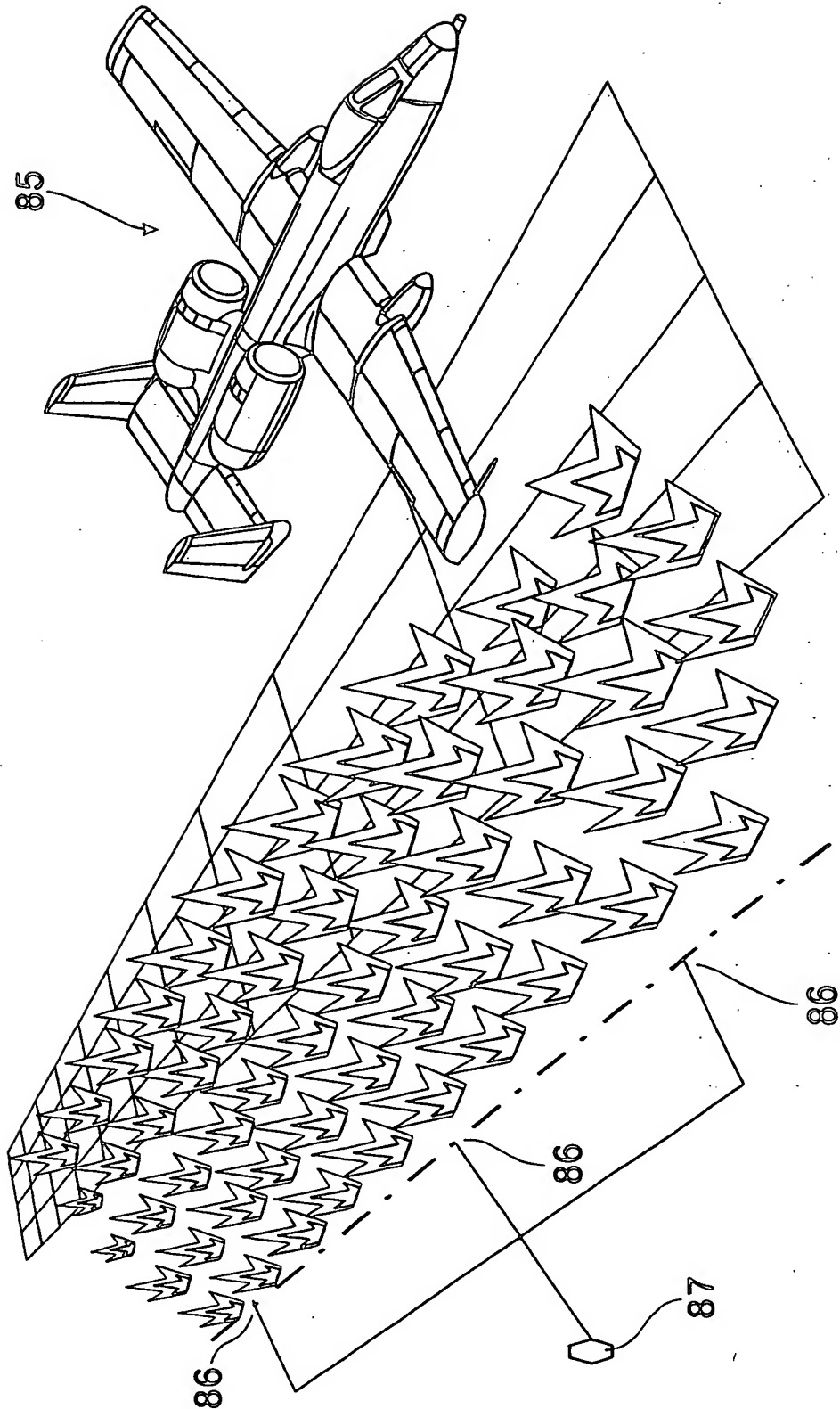


Fig. 9



12/12

Minefield Replacement Concept

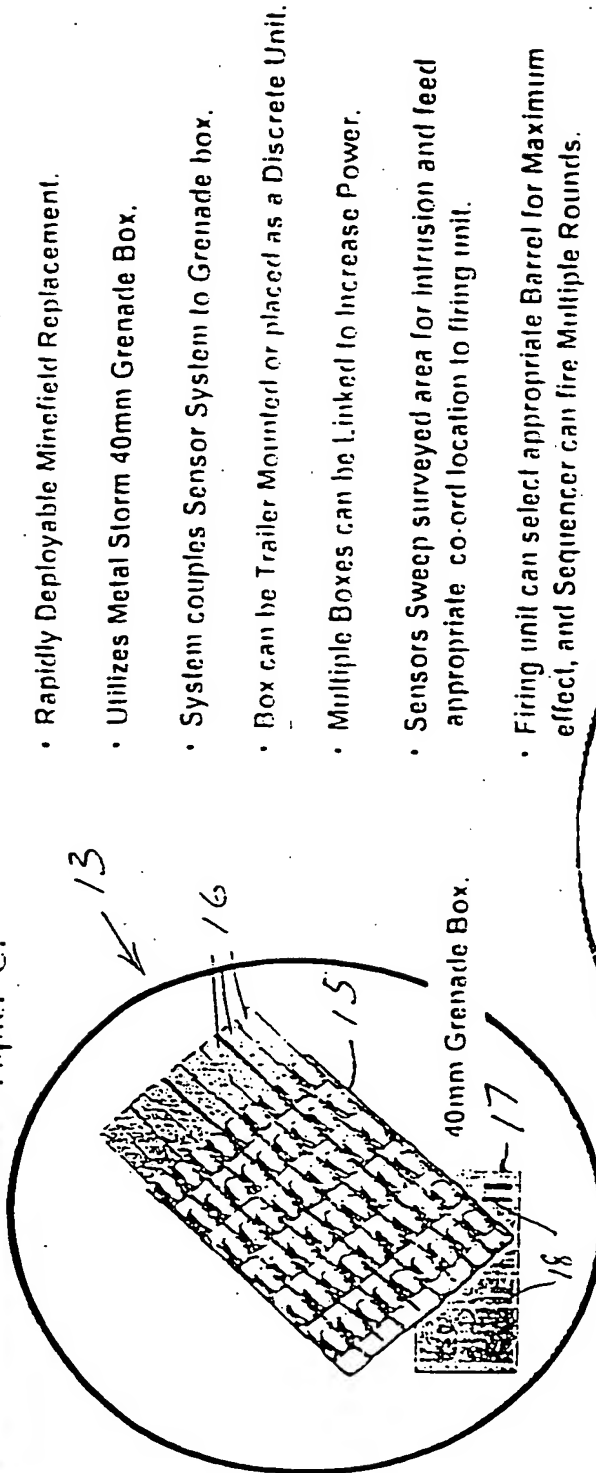
	Weapon	Range	Maximum Simultaneous	Maximum Rate of Fire	Magazine	Dimensions	Weight Loaded
A	Line-of-Sight 9mm Close-In Pod	100 yds.	192	8,4M spm	768	4" x 1' x 6" L.	36 lb.
B	Line-of-Sight 25mm Air-Burst Pod	2,000 yds.	100	600,000 spm	800	14' x 14" x 5' L.	1,120 lb.
C	40mm Grenade Box 0.5 lb. Grenade	1,700 yds.	98	300,000 spm	588	1' x 2'6" x 2' L.	450 lb.
D	81mm Mortar Box 9 lb. Bomb	6,200 yds.	36	110,000 spm	144	2' x 2' x 7' L.	2,900 lb.
E	160mm Mortar Box 96 lb. Bomb	5,600 yds.	16	9,600 spm	48	2'6" x 2'6" x 12' L.	5,400 lb.
F	Helicopter (Stand-Off) Area Denial 40mm Grenade Pods	..	500	1.5M spm	3,000	1' x 2'6" x 5' L.	2,400 lb.
G	A-10 (Stand-Off) Area Denial 40mm Grenade Pods	..	1,764	5.2M spm	10,584	1.5' x 2.5' x 12' L.	8,100 lb.
H	Vehicle Mounted Anti-Ambush 40mm Grenade Circle	1,700 yds.	330	1M spm	2,500	6' Dia. x 18" Deep	2,000 lb.
J	Man portable Repeatable 9mm Claymore	20 yds.	64	2.8M spm	256	4" x 4" x 6" L.	14 lb.

Weights are calculated for limited-use or single-use Composite Barrel Materials.
Applications F & G can be configured as multiple-pass Loitering Cruise Missiles.

Fig. 12

Minelfield Replacement Concept

Topic C:



- Rapidly Deployable Minelfield Replacement.
- Utilizes Metal Storm 40mm Grenade Box.
- System couples Sensor System to Grenade box.
- Box can be Trailer Mounted or placed as a Discrete Unit.
- Multiple Boxes can be Linked to Increase Power.
- Sensors Sweep surveyed area for intrusion and feed appropriate co-ord location to firing unit.
- Firing unit can select appropriate Barrel for Maximum effect, and Sequencer can fire Multiple Rounds.

• The System can be Removed Rapidly without Residual Clearance Concerns.

Multiple Rounds ensures Maximum Terminal Effect.

Array of Field Sensors / Acoustic / Seismic.

Receiver unit taking input from field sensors - RF or cable link.

Battlefield Sensor and Firing Sequencer.
[Electro-Optic / Microwave]

Fig. 1

Minefield Replacement Concept

Topic: C:

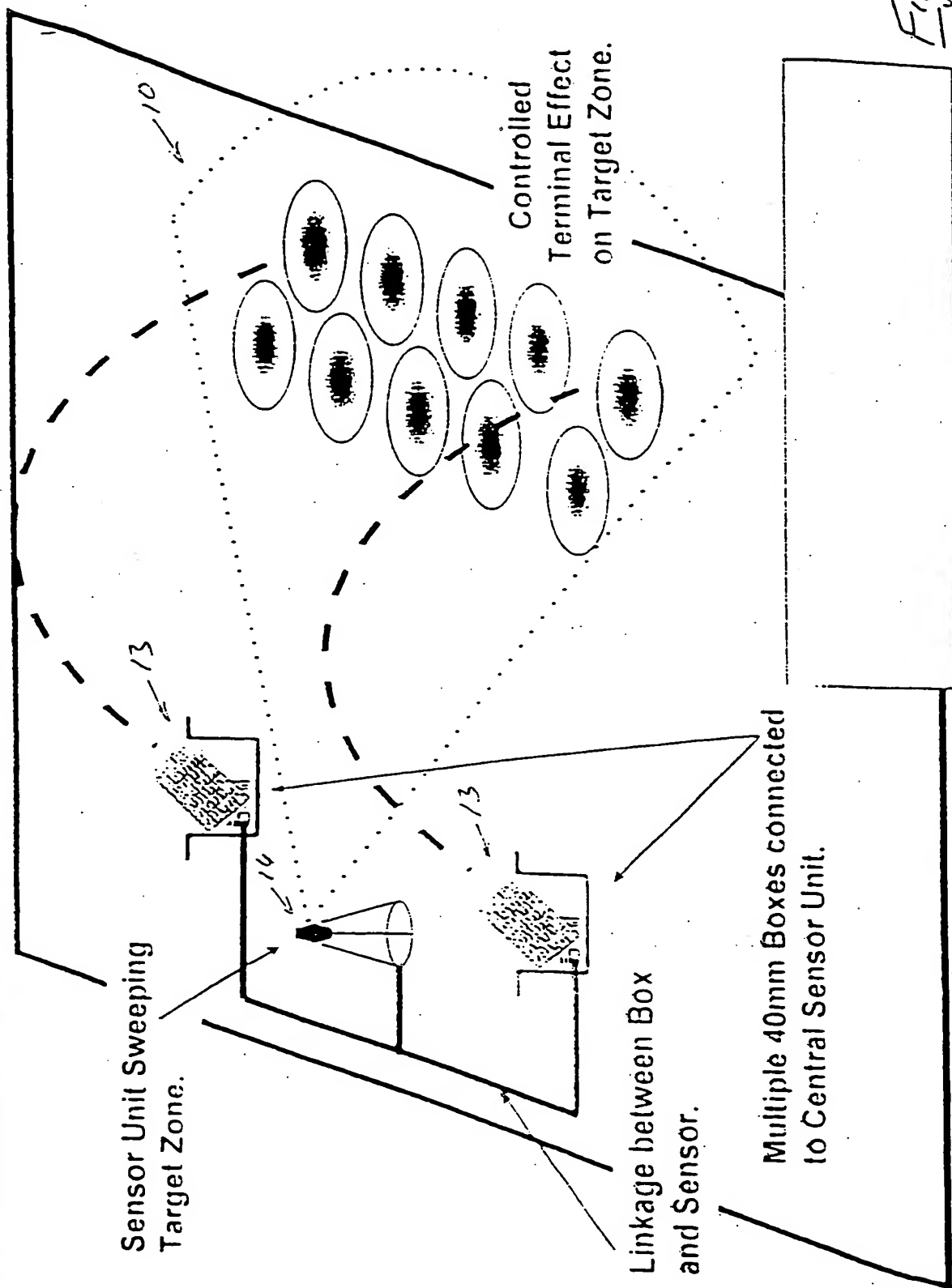
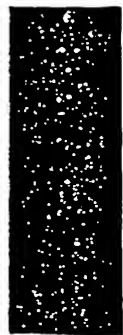


Fig. 2.

Minefield Replacement Concept

Topic: A:

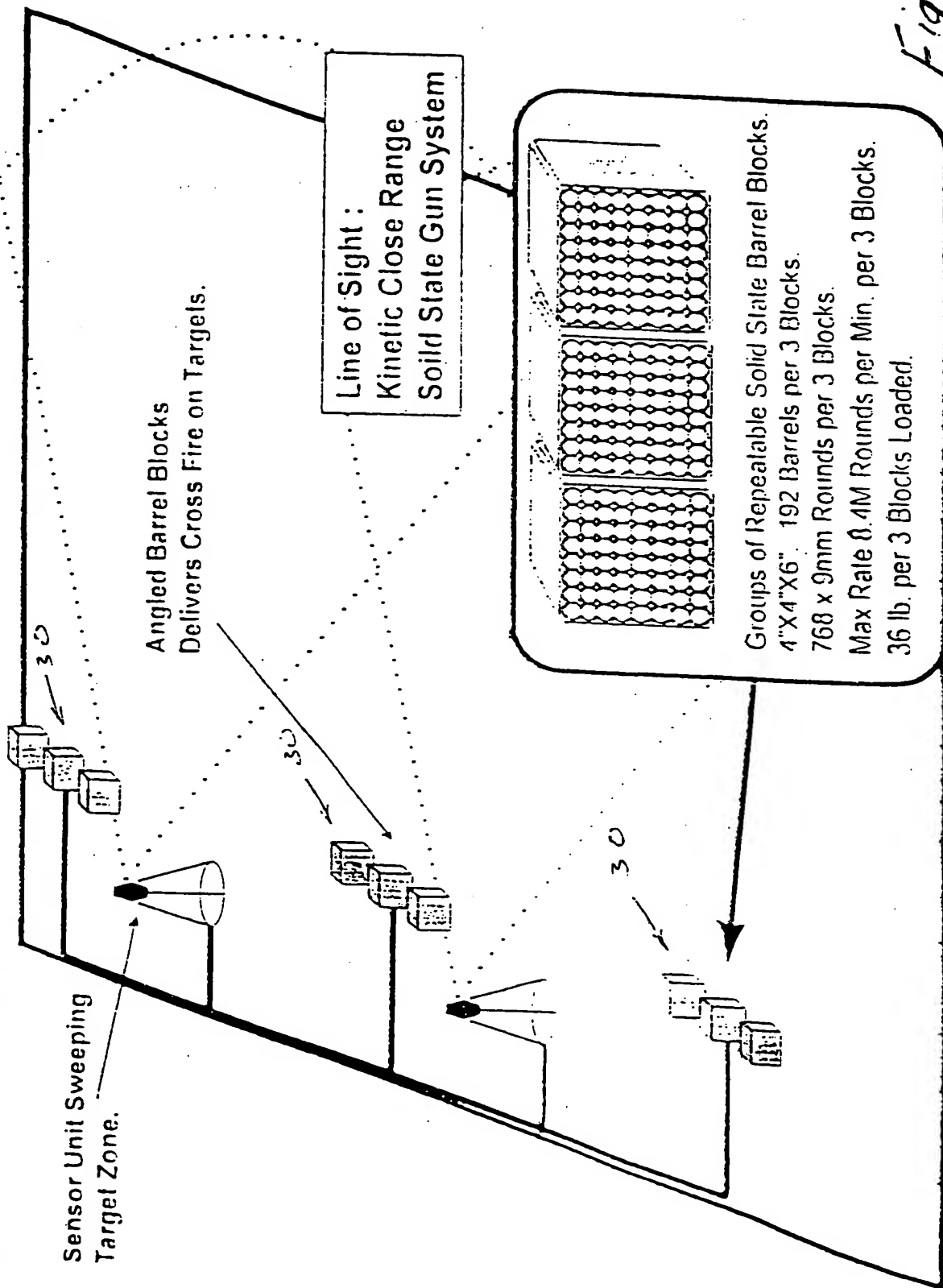


Fig 3

Minefield Replacement Concept

Topic: B:

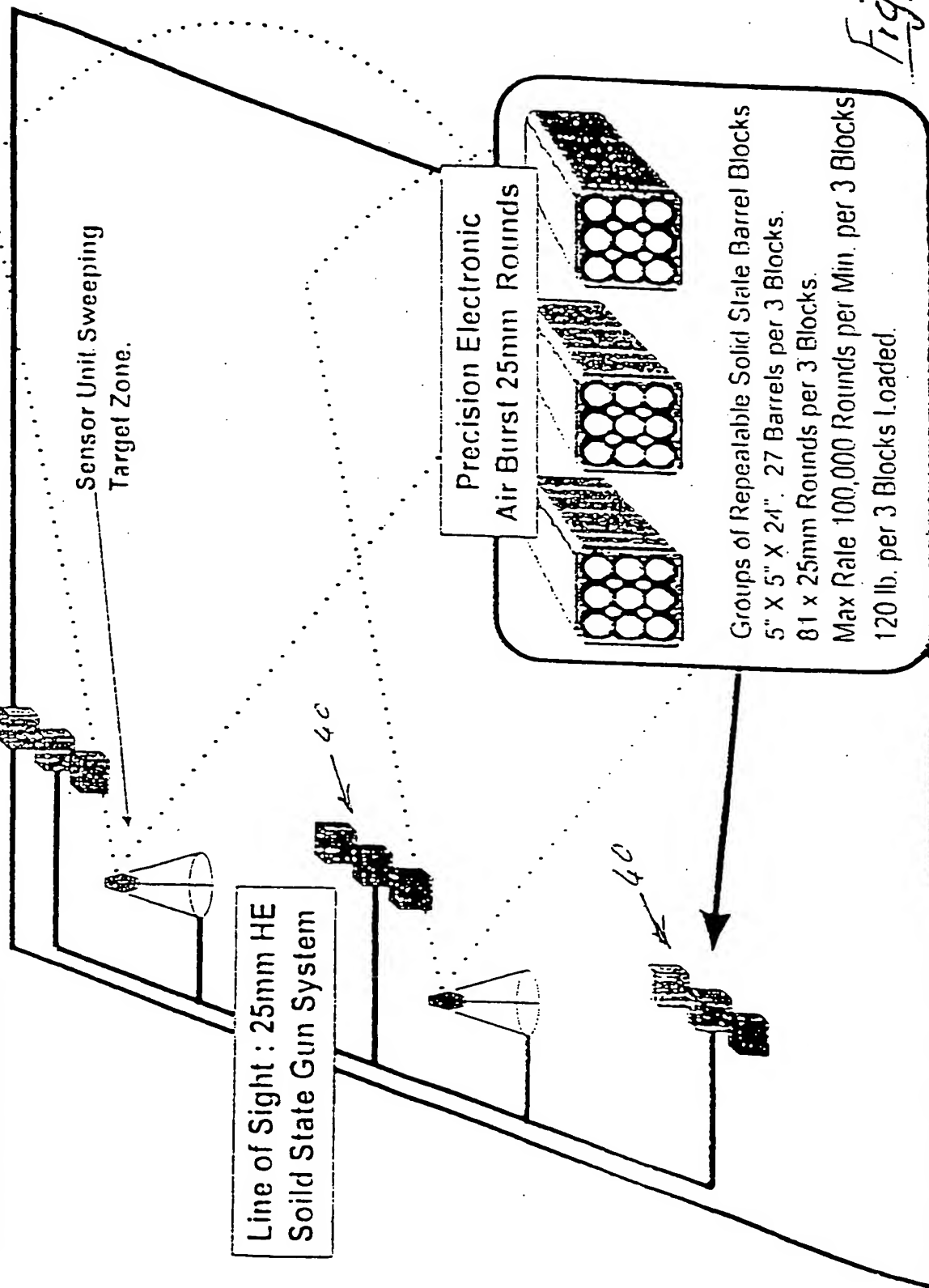


Fig. 4

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Minefield Replacement Concept

Topic: C & H:

Turretting

40mm Grenade Box.

1ft x 2 ft x 2.5 ft Deep.

588 Grenades

98 Barrel Tubes

450 lb. Gross.

Anti-Ambush Concept

40mm Grenade Dispenser.

6ft Diameter, 18in High.

2,500 Grenades

10 layers x 33 Barrels

2,000 lb. Gross.

Target Acquisition Sensors

Maximum 98 Barrels
of Simultaneous Fire.

Maximum Rate of Fire
300,000 spm.

Maximum 330 Barrels
of Simultaneous Fire.

Maximum Rate of Fire
1,000,000 spm.

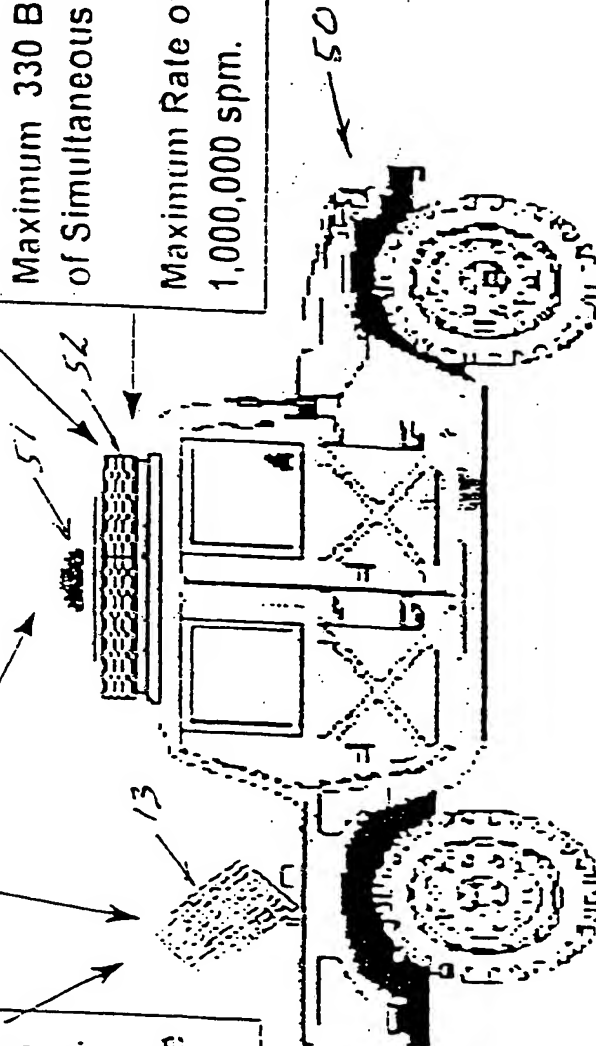
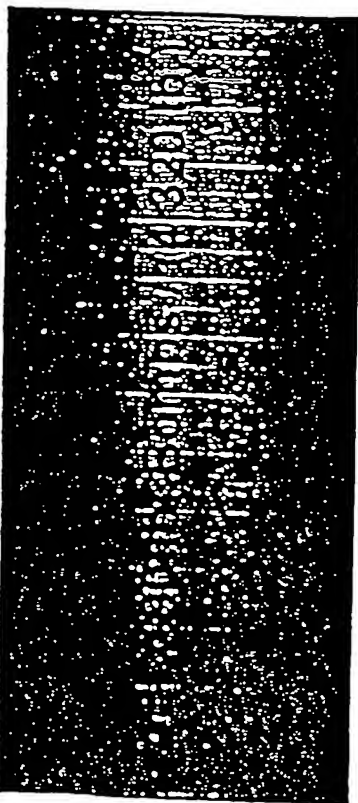


Fig. 5

6/12

Minefield Replacement Concept

Topic: E:



Vehicle Mounted Mobility

Or Fixed & Turretting Battery

4,320 lb of Ordnance

Delivered in as little as 0.3 Secs.

Connected to Minefield Sensors
and Firing Sequencer

Fully Solid-State Weapon

No Moving Parts

Electronically Variable Rate of Fire

1 Bomb per Minute up to
a Rate of 9,600 Bombs / Min.

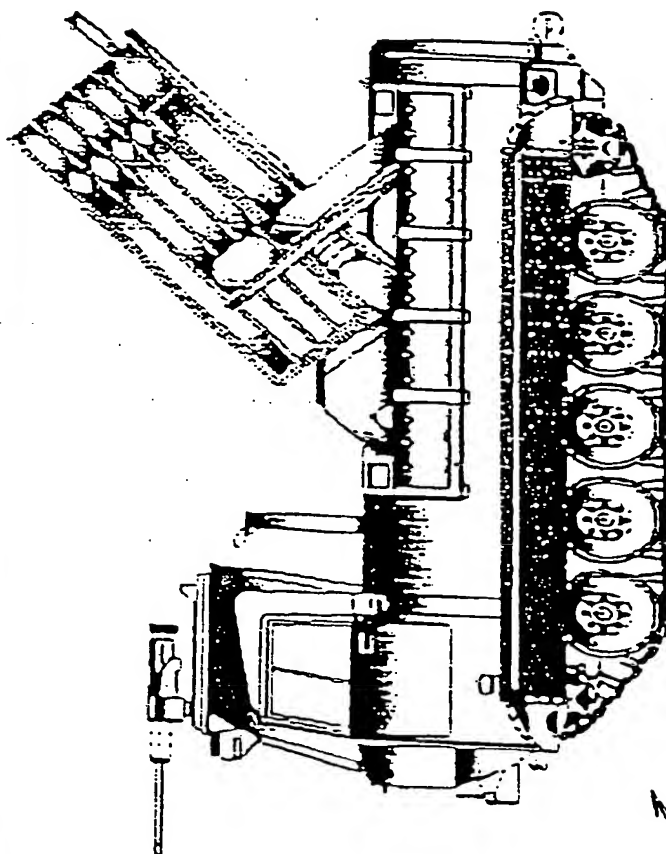


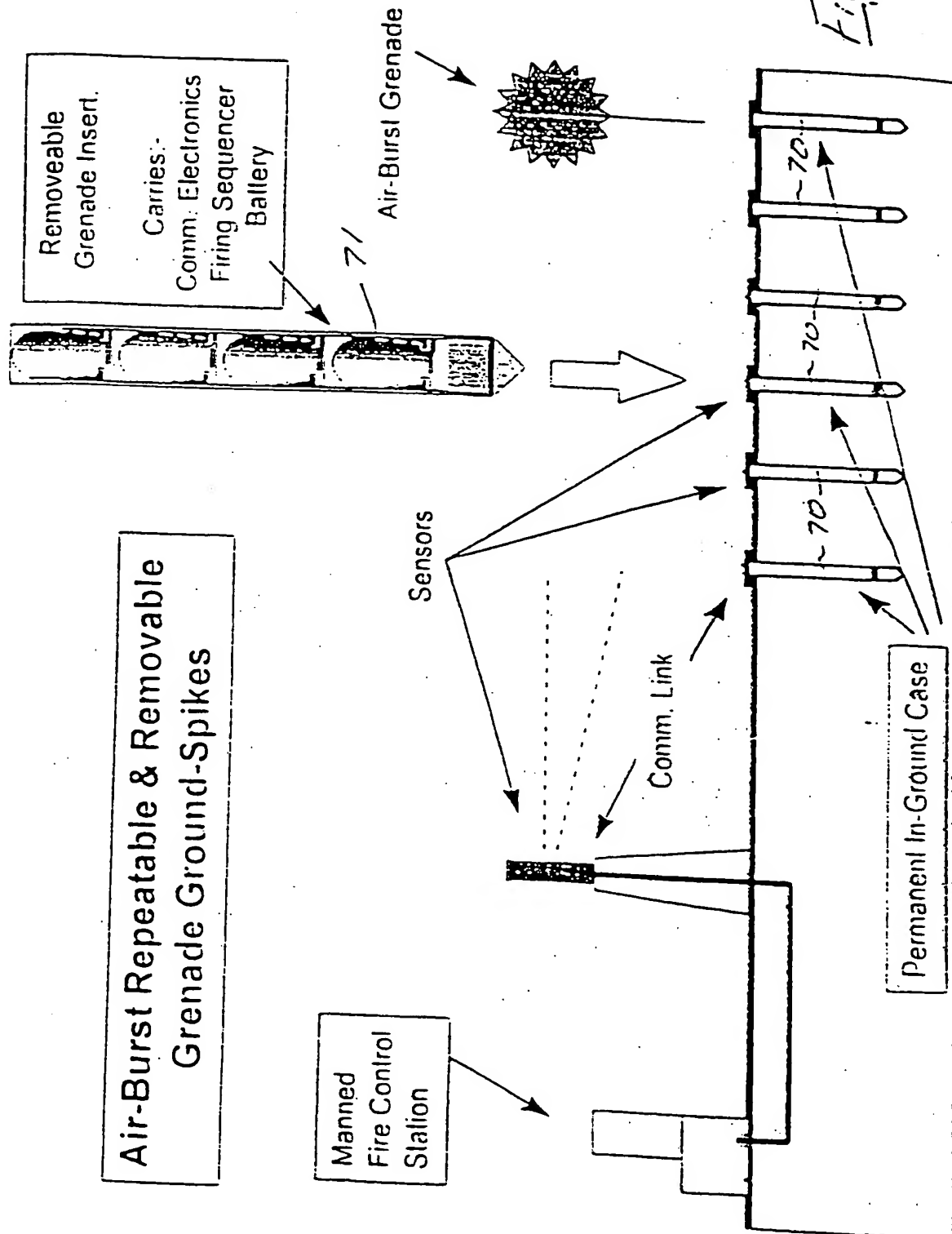
Fig. 6

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Minefield Replacement Concept

Topic: Ground Spikes

Air-Burst Repeatable & Removable Grenade Ground-Spikes



Minefield Replacement Concept

Topic: Ultra High Speed Target Printing.

First:

A Remote VDU view of the Target Area defines the appropriate Fire Sequencing Details



Second:

Four 20mm Pods Sweep the Target with the Precision of a Laser Printer. 30,000 Shots in 0.3 Secs.

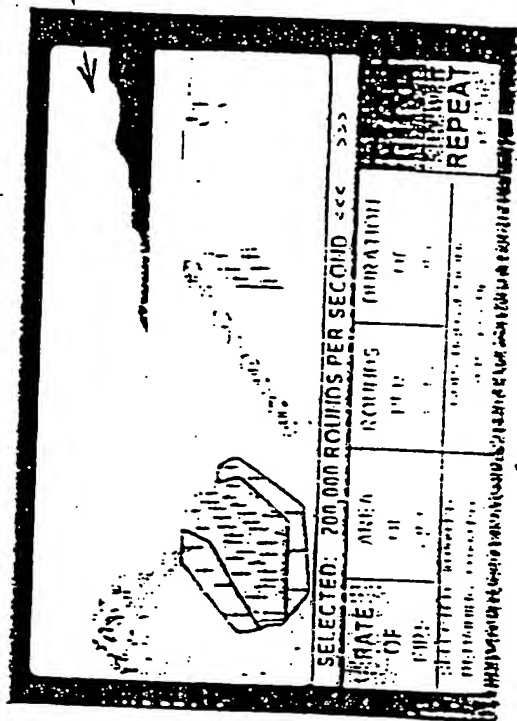


Fig. 2

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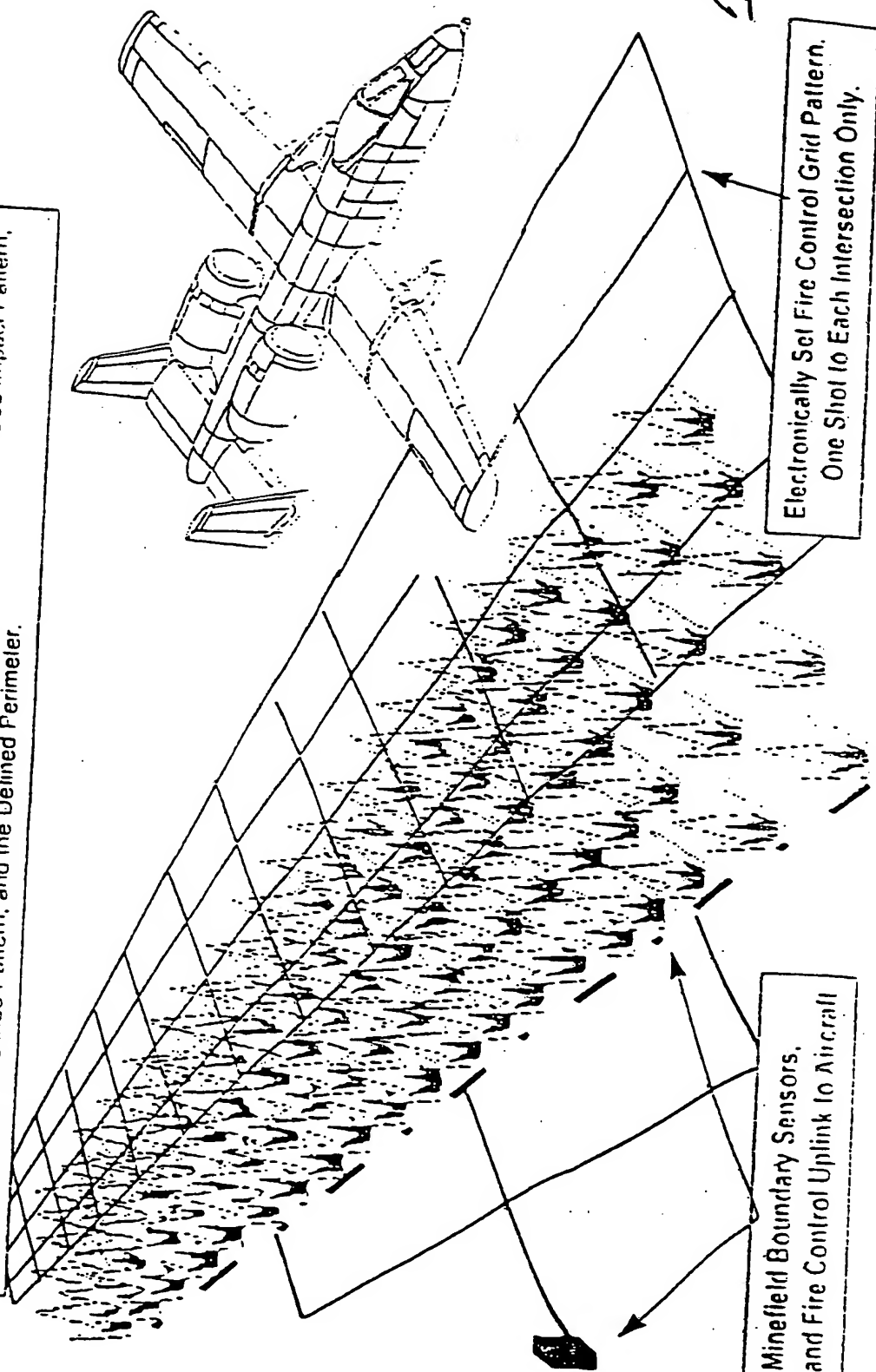
9/12

Minefield Replacement Concept

Topic: G:

Filled with 4 Grenade Pods, an A-10 can deliver 21,160 Grenades from 3,528 Tubes at any Desired Rate, to a maximum 10.4 Million per Min.

Controlled by On-Ground Minefield Perimeter Sensors, the Multi-Tube / Ultra-Rapid Rate Capability Electronically Fires an Appropriate-Barrel/Appropriate-Time Burst to Deliver a Precise Impact Pattern, held Exactly to the Defined Pattern, and the Defined Perimeter.



10/12

Minefield Replacement Concept

Topic: F:

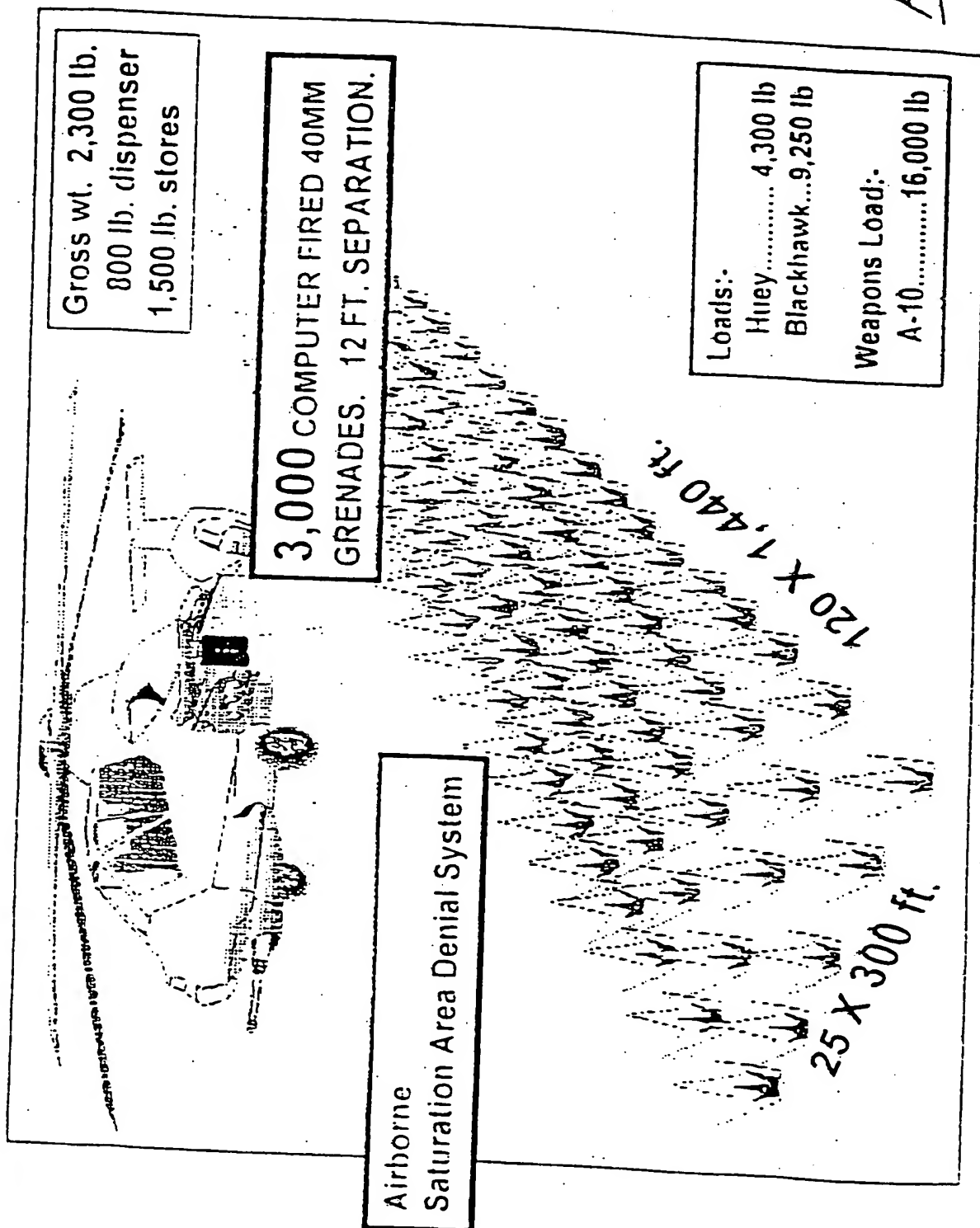


Fig. 10.

11/12

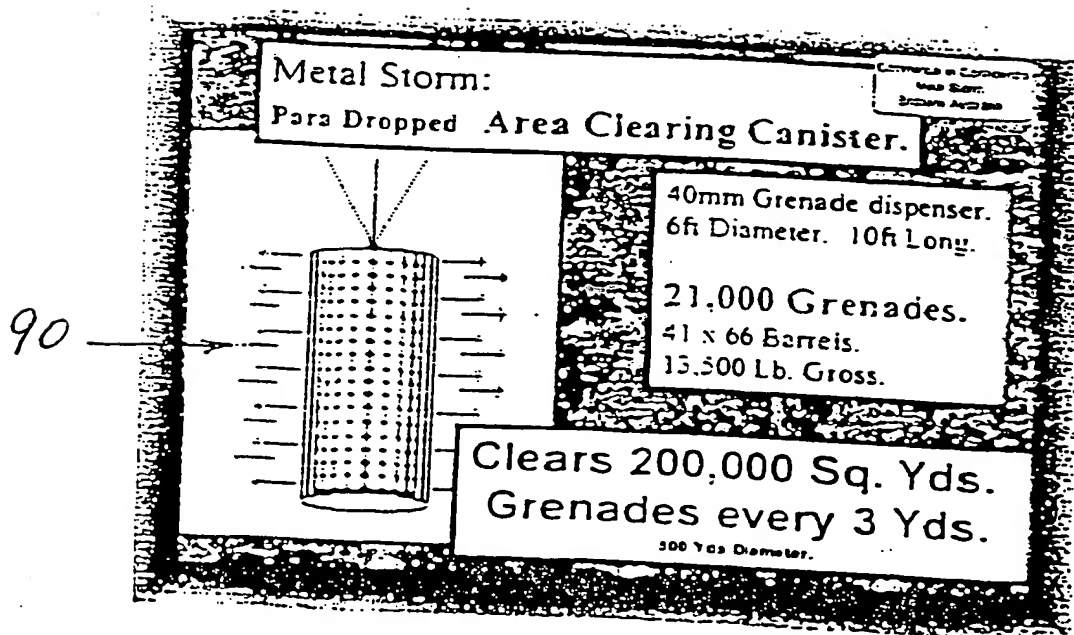


Fig. 11.

12 / 12

Minefield Replacement Concept

	Weapon	Range	Maximum Simultaneous	Maximum Rate of Fire	Magazine	Dimensions	Weight Loaded
A	Line-of-Sight 9mm close-in Pod	91m	192	8.4M spm	768	100x305x150mm	16kg
B	Line-of-Sight 25mm Air-Burst Pod	1829m	100	600,000 spm	800	355x355x1525mm	508kg
C	40mm Grenade Box 0.5 lb. Grenade	1554m	98	300,000 spm	588	305x760x610mm	204kg
D	81mm Mortar Box 9 lb Bomb	5669m	36	110,000 spm	144	610x610x2130mm	1315kg
E	160mm Mortar Box 96 lb Bomb	5120m	16	9,600 spm	48	760x760x3660mm	2450kg
F	Helicopter (Stand-Off) Area Denial 40mm Grenade Pods		500	1.5M spm	3,000	305x760x1525mm	1089kg
G	A-10 (Stand-Off) Area Denial 40mm Grenade Pods		1,764	5.2M spm	10,584	460x760x3660mm	3674kg
H	Vehicle Mounted Anti-Ambush 40mm Grenade Circle	1554m	330	1M spm	2,500	1.8m Diam.x 460mm Deep	907kg
J	Man portable Repeatable 9mm Claymore	18.3m	64	2.8M spm	256	100x100x150mm	6.4kg

Fig. 12